

REVISED October 26, 2004

**ELECTRONIC CASE FILING PROCEDURES
FOR THE DISTRICT OF MINNESOTA**

CRIMINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ELECTRONIC CASE FILING PROCEDURES - CRIMINAL

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**IN THE UNITED STATES DISTRICT COURT
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ELECTRONIC CASE FILING PROCEDURES - CRIMINAL

I. THE ELECTRONIC FILING SYSTEM AND REQUIREMENTS.

A. IN GENERAL. Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned District Judge or Magistrate Judge, all documents¹ submitted for filing in criminal cases in this district on or after May 17, 2004, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“ECF”). Documents may also be submitted to the clerk’s office for filing on 3.5 disks or CDs as PDF (“Portable Document Format”) files.² However, the following exceptions shall apply.

1. **New Cases.** Charging instruments are governed by Section II, Part A, Subpart 2 of these procedures.
2. **Pro Se Litigants.** Parties proceeding non-prisoner pro se may file electronically.
3. **Juvenile Matters.** Juvenile criminal matters are sealed and shall not be filed electronically unless, after hearing, the court rules that the juvenile shall be tried as an adult (see Section IV, Part D, Subpart 2).
4. **Documents Filed Under Seal or Ex Parte.** Documents filed ex parte and/or under seal will be maintained in conventional³ form and will not be placed on ECF unless the assigned District or Magistrate Judge orders the case unsealed.
5. **Original Signatures of Defendants.** Documents containing original signatures of defendants and certain non-parties are governed by Section II, Part C of these procedures.

¹ The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, etc. It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court (*see* LR 5.1).

² A document created with almost any word-processing program can be converted to PDF. The PDF program, in effect, takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software with the layout, format, links, and images intact. For more information on PDF, visit the websites of PDF vendors such as www.adobe.com/products/acrobat/ or www.fineprint.com/.

³ As used in these procedures, a conventionally filed document is one presented in traditional paper or other non-electronic, tangible format.

6. **Documents Filed Conventionally** (i.e., in paper). Documents or material not filed electronically are governed by Section IV.
7. **Exemption from ECF.** An attorney may apply to the assigned Magistrate Judge for exemption from filing electronically on a case by case basis. Exemptions to the ECF Procedures will not be granted as a matter of course, but only upon a credible and persuasive demonstration of good cause. The grounds on which an exemption is requested must be explained in substantial detail. If an exemption is granted it may be withdrawn at any time and the attorney will thereafter be required to file documents electronically in ECF. Instructions and a Request for Exemption form are available from the clerk's office or on the FORMS page of the court's web site at: <http://www.mnd.uscourts.gov>. Applications should be filed in paper with the Clerk, then will be scanned and filed in ECF by clerk's office staff, and will be reviewed by the assigned Magistrate Judge.
8. The Clerk or any District Judge or Magistrate Judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.
9. **Document Retention.** The Clerk's Office will retain all original indictments, petitions to enter plea of guilty and plea agreements after they are scanned and uploaded to ECF.
10. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, and officer from Pretrial or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and post to ECF and retain the original in a paper file. The electronically filed document as it is maintained on the court's servers shall constitute the official court record of the document.

B. SYSTEM AVAILABILITY AND TIMELINESS

1. **System Availability.** The Electronic Case Filing System (ECF) will be available 22 hours a day, seven days a week. ECF will be unavailable from 1:00 a.m. to 3:00 a.m. for maintenance. If maintenance or repairs require an additional temporary period of down-time, advance notice will be provided on the District Court's website.
2. **Timeliness.** A document will be deemed to be timely filed if filed:

- a. Electronically on ECF prior to midnight on its due date, or
- b. Conventionally (i.e., in paper), pursuant to Section IV, in the clerk's office prior to 5:00 p.m. on its due date

unless a specific time is designated by a Judge (e.g., 5:00 p.m. deadline).

- 3. **Help Desk.** Please note the District Court's Help Desk is only supported between the hours of 8:00 a.m. and 5:00 p.m. Central Time. Contact the District Court's Help Desk between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, if you need assistance using ECF.

Toll Free Help Desk

1-866-325-4975 or 612-664-5155

OR

E-mail:

ecfhelpdesk@mnd.uscourts.gov

C. PASSWORDS.⁴

1. In General.

- a. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
- b. Once registered, an attorney is responsible for all documents filed using his or her password and is subject to Rule 11 sanctions. (Fed. R. Civ. P. 11).

- 2. **Attorneys Admitted to Practice in This Court.** Each attorney admitted to practice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.

- 3. **Attorneys Admitted Pro Hac Vice.** Attorneys admitted to practice Pro Hac Vice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing. Pro Hac Vice admissions in this district are for a specific case, and your affiliation with multiple cases on a Pro Hac Vice basis must be by separate application and payment of the \$25 admission fee for each individual case, with the exception of actions consolidated for pretrial

⁴ Registration for a password is governed by paragraph I(D) of these procedures.

purposes. All Local Rules (83.5) apply including the requirement that an active Minnesota resident member in good standing participate in the preparation and presentation of the case listed above, and accept service of all papers served.

4. **Non-Prisoner Pro Se.** A non-prisoner pro se filer may complete and sign an ECF Application Form which is available from the Clerk's Office. If the application is approved, the applicant will receive a login ID and password along with an ECF Registration form that must be signed and returned to the Clerk's Office. Upon receipt of the signed Registration form, the applicant's account will be activated, enabling the applicant to file electronically and to receive system-generated notices of electronic filing. If the court becomes aware of misuse of ECF, access will be revoked by the court without advance notice. Upon closure of the case for which access is granted (and the expiration of all appeal periods), the account will be deactivated.
5. **Prisoner Pro Se.** Prisoner pro se parties may not register to use ECF and must file their documents in paper. Their documents will be scanned and uploaded to ECF by clerk's office staff.

D. REGISTRATION.

1. The court will issue ECF passwords only to attorneys who are members of the bar of this court and who are in good standing. To be in good standing, an attorney must comply with the requirements of Local Rule 83.6, including timely payment of the registration fee due every third year during the court's re-registration process.
2. The clerk's office will either mail the password to the attorney by first-class mail or send the password to the attorney's e-mail account.
3. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
4. All attorneys have been or will be entered into the database with read-only access to ECF. In order to actively file, they will need to change their access to "active user" by submitting an on-line registration. They will do so upon their first entry into the civil or criminal menus on or after May 17. A one-time registration will be required, including agreeing to service through ECF, maintaining a current e-mail address, etc. The submission of this registration is

necessary only once. By pressing the submit button, the attorney's status will change from read-only to active, allowing them to file in ECF.

6. After registering, attorneys should change their passwords. If an attorney believes that the security of an existing password has been compromised and that a threat to ECF exists, the attorney must change his or her password immediately. Directions on how to do so are posted on the court's web site, or call the helpdesk for assistance. If your account has been misused, contact the helpdesk.
7. An attorney whose e-mail address, mailing address, telephone number, or fax number has changed, shall login into the ECF system and change their personal information in the account maintenance link in ECF. It is the responsibility of the attorney to change this information in a timely matter.
8. Registration as a participant in the Electronic Filing System shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Civil and Criminal procedure.

E. DEACTIVATION OF ECF ACCOUNT.

1. An attorney may request deactivation of his/her ECF account only if the attorney meets the following criteria:
 - a. the attorney is not an attorney of record on any pending case in the District of Minnesota, and
 - b. the attorney will not be practicing in the District of Minnesota for an extended period of time.
2. To request deactivation, the attorney shall:
 - a. File a Withdrawal as Counsel of Record in ECF in each pending case in the District of Minnesota; and
 - b. Mail or deliver a written Request to Deactivate to the Attorney Admissions Clerk. Sample request available on the FORMS page of the court's website: www.mnd.uscourts.gov.
3. Upon receipt and confirmation that the attorney is not an attorney of record for any pending cases in the District of Minnesota, the Attorney Admissions Clerk will deactivate the attorney's password.
4. Deactivation of an attorney's ECF account shall not be construed as authorization to file conventionally (i.e., in paper).

F. COURTESY COPIES.

When an attorney files motions, responses, or reply briefs on ECF, they must also provide one (1) paper courtesy copy of the motion and all supporting documents (affidavits and exhibits) to the Judge hearing the motion.

The courtesy copies should be mailed or delivered to the District or Magistrate Judge in an envelope addressed to the Judge's calendar clerk contemporaneously with the documents being posted on ECF. This rule will apply to dispositive and non-dispositive motions.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. In General.

- a. All motions, pleadings, applications, briefs, memoranda of law, or other documents shall be electronically filed on ECF except as otherwise provided by these procedures, by local rule, or court order.
- b. E-mailing a document to the clerk's office or to the assigned District Judge or Magistrate Judge does not constitute filing the document. **A document shall not be considered filed until ECF generates a Notice of Electronic Filing.**

2. New Cases. The clerk's office will scan and upload all charging instruments (e.g., indictments, superseding indictments, complaints, informations, etc.).

3. Notice of Appearance. ECF is only capable of recognizing an entry of appearance on behalf of the attorney who files the entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorney(s), the additional attorneys will be added to the case after the filing is reviewed as part of clerk's office quality control procedures.

4. Attorney Substitution. If substituting an attorney, the attorney entering his/her appearance shall:

- a. obtain the withdrawing attorney's signature on a Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see LR 83.7, then,

- b. affix the s/signatures (see Section II, Part C, Subpart 2) for both attorneys to the electronic document,
 - c. convert the document to PDF and file it in ECF.
- 5. **Withdraw as Counsel.** If withdrawing as attorney of record without a substitution, the attorney shall file either a Notice of Withdrawal or a Motion to Withdraw depending on the circumstances.
- 6. **Official Court Record.** The official court record shall be the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.
- 7. **Document Retention.** The Court encourages attorneys to retain the originals of documents filed electronically with intrinsic value (e.g., documents scanned and filed in ECF).
- 8. **Transcribers and Court Reporters.** Transcripts shall be filed with the clerk's office in accordance with 28 U.S.C. 753(b) in conventional format unless otherwise ordered by the Court.

B. SERVICE OF PROCESS.

- 1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate a "Notice of Electronic Filing." Electronic filing shall constitute service of the document upon those listed on the NEF as being served electronically.
- 2. Pursuant to Fed. R. Civ. P. 5, a certificate of service on all parties entitled to service or notice must be filed when a party files a document electronically; even if all counsel of record are receiving electronic notice through ECF. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Certificates of service can be filed as a separate filing in ECF or as an attachment to another filing. Sample certificates of service are attached to these procedures as Forms A and B.
- 3. Filers are required to serve copies of any electronically filed pleading, document, or proposed order to parties not served electronically by ECF according to the Federal Rules of Civil Procedure.⁵ When mailing paper copies

⁵ Attorneys can check ECF to see if a party is registered to receive e-mail noticing before posting a filing in ECF. This can be accomplished by clicking on the Utilities menu choice. Located under the Miscellaneous heading, click on the mailings link. Click on the Mailing Info for a Case link, enter the case number, and click on the submit button. If more than one case matches the case number a case verification window may appear. The Electronic Mail List and Manual Mail List appears.

of documents that have been electronically filed, the filer shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.

4. The three-day rule in Federal Rule of Civil Procedures 6(e) for service by mail shall also apply to service by electronic means.⁶
5. Documents filed conventionally shall be served conventionally (i.e., in paper) by the filer on all parties entitled to service.

C. SIGNATURES.

1. **Defendant Signatures.** Documents requiring the defendant's signature must be filed conventionally (see Section IV) with the defendant's original handwritten signature. The exception to this rule is a defendant's affidavit, which does not need to be filed conventionally, but rather filed according to the procedure regarding Non-attorney/Third Party Signatures, Generally.
2. **Non-Attorney/Third Party Signatures, Generally.** If the original document requires the signature of a non-attorney, the filer must obtain the original ink signature of the signatory before filing. The filer shall then sign the electronic version of the document using the "s/signature" of the signatory (see Section II, Part C, Subpart 3). **By filing the document, the attorney certifies that the document has been signed by all necessary people, including affiant and notary, if applicable, and the ink signed originals exist and will be available in their office for inspection.⁷ Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.**
 - a. This rule includes all notarized documents.
 - b. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record.

⁶ Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

⁷ This rule applies when the third party document exists on the computer of the attorney, or their client. If so, after obtaining the ink signatures on a paper copy, the filer should affix the "s/" signature(s) to the word processing version, convert to PDF and post to ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.
- d. Upon request, the original document must be made available for review.

3. **s/ Signature .**

- a. A pleading or other document requiring a signature shall be signed in the following manner:

s/ Pat Attorney

Pat Attorney

Bar Number 12345

Attorney for (Plaintiff/Defendant) XYZ Company

ABC Law Firm

123 South Street

Minneapolis, MN 55415

Telephone: (612) 555-5555

Fax: (612) 555-5554

- b. Any party challenging the authenticity of an electronically filed document or the signature on that document must file an objection to the document within eleven days of service of the document.

4. **Multiple Signatures.** The following procedure applies when a stipulation or other document (*e.g.*, a joint motion, joint exhibit list, and 26(f) report) requires two or more signatures:

- a. The filer shall initially confirm that the content of the document is acceptable to all signatories by obtaining their original signatures on the document.
- b. The filer then shall file the document electronically or submit it to the clerk's office on disk, indicating the signatories with an "s/signature" (*e.g.*, "s/ Jane Doe," "s/ John Smith," etc.) for each signatory. **By filing the document, the attorney certifies that the document has been signed by all necessary people, including affiant and notary, if applicable, and the ink signed originals exist and will be**

available in their office for inspection.⁸ Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The clerk's office will document the receipt of fees on the docket sheet. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

E. MOTION PRACTICE. Refer to LR 7.1(b) effective May 17, 2004, for the briefing schedule for filing dispositive motions, responses, and replies on ECF.

- 1. Procedurally, attorneys should file their motions in the following order as separate docket entries:

- a. Motion (each motion must be filed as a separate filing entry)
- b. Memorandum of Law
- c. Affidavits and Exhibits*
- d. Proposed Orders - see Section II, Part F, Subpart 2 below.
- e. Certificate of Service of above documents (see FORM B).

*Filings of affidavits and exhibits can be combined into one docket entry or filed as separate entries. See the User's Manual (on the ELECTRONIC CASE FILING page of the court's website at www.mnd.uscourts.gov) for step-by-step instructions on filing motions and related documents.

- 2. **Courtesy Copies.** Refer to Section I, Part F for requirements on submitting courtesy copies to the Judge.
- 3. **Motion Documents to be Filed Under Seal.** Refer to Section IV, Part C for guidance on filing one document (e.g., affidavit or exhibit) under seal that is part of a motion that is otherwise unsealed.

⁸ This rule applies when the third party document exists on the computer of the attorney, or their client. If so, after obtaining the ink signatures on a paper copy, the filer should affix the "s/" signature(s) to the word processing version, convert to PDF and post to ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

4. **Withdrawing a Motion.** The moving party may withdraw their motion by filing a letter to withdraw a motion on ECF. These letters should not be sent in paper to chambers staff. The motion will be terminated by clerk's office staff upon receipt of the letter on ECF.

F. ORDERS

1. Orders Issued by the Court.

- a. **Generally.** The Court shall electronically file all signed orders.
- b. **Conventional Service of Orders.** When the clerk's office mails paper copies of an electronically filed order to a party who is not receiving service through ECF, the clerk's office will include a copy of the Notice of Electronic Filing to provide the non-participant with proof of the filing.
- c. **Text Only Orders.** The assigned District or Magistrate Judge or the clerk's office, if appropriate, may issue routine orders or notices by a text-only docket entry for which ECF will generate a Notice of Electronic Filing and e-mail notification to parties on ECF. In such cases, no PDF document will be attached; and there will not be a document number. The text-only entry shall constitute the court's only filing on the matter. Copies of Notice of Electronic Filing (NEF) for the text-only docket entry will be sent in hard copy to those not using ECF.

2. Proposed Orders. Proposed orders shall be submitted as outlined below.

- a. Proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first on ECF, then the proposed order must be sent by e-mail to chambers and served on other parties as agreed. The proposed order must refer to the document number that ECF assigns to the motion when the motion is electronically filed.
- b. So that the court may have the flexibility to edit proposed orders, all proposed orders must be submitted in a word processing format. Judges will not accept proposed orders in PDF format. Listed below is the word processing program each Judge requires the proposed order to be saved in. If you do not currently have Word or WordPerfect, you may select the "Save As" option in most word processing software and rename the document with a .wpd (WordPerfect) or .doc (Word)

extension. You may also save a document in Rich Text Format with a .rtf extension.

- c. A proposed order shall be sent via Internet e-mail as an attachment to the e-mail address of the chambers of the Judge hearing the motion. When sending the document by e-mail, please include “Proposed Order - short case title and case number” (e.g., Proposed Order - Jones v. Smith -03cr100) in the subject line.
- d. The chambers’ e-mail addresses are as follows:

Chief Judge Rosenbaum	rosenbaum_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Kyle	kyle_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Davis	davis_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Tunheim	tunheim_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Montgomery	montgomery_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Frank	frank_chambers@mnd.uscourts.gov	Word or WordPerfect
Judge Ericksen	joanericksen_chambers@mnd.uscourts.gov	Word or WordPerfect
Sr. Judge Alsop	alsop_chambers@mnd.uscourts.gov	Word or WordPerfect
Sr. Judge Magnuson	magnuson_chambers@mnd.uscourts.gov	Word or WordPerfect
Sr. Judge Doty	doty_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Lebedoff	lebedoff_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Noel	noel_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Erickson	raymonderickson_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Boylan	boylan_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Nelson	nelson_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Mayeron	mayeron_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Cudd	cudd_chambers@mnd.uscourts.gov	Word or WordPerfect
Magistrate Judge Klein	klein_chambers@mnd.uscourts.gov	Word or WordPerfect

- e. Proposed orders shall be sent to either the District Judge or the Magistrate Judge who will hear the motion—i.e., **not to both Judges.**
- f. Because proposed orders are not filed in ECF and therefore not served by ECF, proposed orders shall be served upon all parties who are entitled to service in the manner agreed by each party.
- g. The filer shall file a certificate of service of the proposed order in ECF pursuant to Section II, Part B, Subpart 2 above (see FORM B for a sample).

3. **Stipulations.** Stipulations shall be filed in ECF by one attorney.

- a. The filing attorney must follow instructions for filing documents requiring multiple signatures in Section II, Part C, Subpart 3.
- b. The Stipulation shall not include a signature line for the Judge.
- c. The District or Magistrate Judge will rule on the stipulation with an order.
- d. Filers shall send a proposed order to the District or Magistrate Judge ruling on the stipulation in accordance with the Proposed Orders procedures listed in Section II, Part F, Subpart 2.

G. TRIAL DOCUMENTS. Trial documents such as proposed jury instructions, exhibit lists, and voir dire questions should be electronically filed on ECF. The presiding Judge may also require that a Word or WordPerfect version of these documents be sent to the chambers e-mail address, listed in Section II, Part F, Subpart 2, after the ECF posting. The additional request for a word processing version will be written in the pretrial order of the Judge or communicated informally to you.

H. TITLE OF DOCKET ENTRIES. The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. If the user is in doubt, they should contact the help desk (see Section I, Part B) for further assistance.

I. CORRECTING DOCKET ENTRIES.

- 1. After a document is filed electronically, corrections to the docket can only be made by the clerk's office. ECF will not permit the filer to make changes to the document(s) or docket entry once the transaction has been submitted.

2. Documents filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain a part of the record as filed. Upon discovery of error, the filer shall:
 - a. Call the clerk's office helpdesk at 1-866-325-4975, or reply to the e-notice, and identify the error. Clerk's office staff will edit the docket text of the incorrect entry indicating "DOCUMENT FILED IN ERROR" in all caps at the beginning of the docket entry.
 - b. Filers shall immediately file the correct document in the case on ECF, and modify the title of the pleading as appropriate (e.g.; "Amended", "Substituted", "Corrected").
3. If a document is filed in the wrong case, the filer should immediately call the help desk at 1-866-325-4975 , or reply to the e-notice, to notify the clerk's office of the error.
 - a. The document will be detached by clerk's office personnel and replaced with a form document entitled "DOCUMENT REMOVED - FILED IN WRONG CASE" and the docket entry will be edited to state the same.
 - b. E-mail notification recipients will not receive an e-mail notification of the edit, but when attempting to access the document after it has been removed they will get the "DOCUMENT REMOVED" form when they click on the hyperlink in their e-mail notification.
 - c. The filer shall file the document in the correct case.

J. TECHNICAL FAILURES. The clerk's office shall deem the District of Minnesota ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site.

A filer who cannot file a document electronically because of a technical problem (e.g., Internet service is down, law firm server malfunction, etc.) must file the document in ECF as soon as possible once the problem is resolved. Attached to the filing should be the Technical Errors form provided on the Court's website. The form is required to explain what the technical difficulties were and why the filing is untimely.

K. HYPERLINKS IN DOCUMENTS. [Effective November 1, 2004]

1. Electronically filed documents may contain the following types of hyperlinks:
 - a. Hyperlinks to other portions of the same document; and
 - b. Hyperlinks to a location on the Internet that contains a source document for a citation.
2. Hyperlinks to other documents filed within the CM/ECF system are not permitted. Hyperlinks to personal websites, inclusive of law firms, is strictly forbidden.
3. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of a filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.
4. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

III. PRIVACY POLICY

- A. **IN GENERAL.** The Court is now accepting electronically filed pleadings and making the content of those pleadings available on the court's website via ECF and WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of documents filed electronically with the court, including criminal documents filed after November 1, 2004. Documents filed under seal and/or conventionally will not be available via the internet and WebPACER.
- B. **INFORMATION TO BE REDACTED.** In accordance with the E-Government Act of 2002 (Pub. L. 107-347) and the policy of the Judicial Conference of the United States, unless otherwise ordered by the court:
 1. Parties shall not include, or shall redact, the following information from all documents filed in ECF:
 - a. Social Security Numbers:
Use only the last four digits.
 - b. Names of minors:
Use the minor's initials.

- c. Dates of birth:
Use only the year.
- d. Financial account numbers:
Identify the name or type of accounts and the financial institution, but use only the last four digits of the account number.

2. In addition, exercise caution when filing documents that contain the following:

- a. Personal identifying number (e.g., driver's license number);
- b. Medical Records, Treatment and Diagnosis;
- c. Employment History;
- d. Individual Financial Information;
- e. Proprietary or Trade Secret Information.

C. ENFORCEMENT. It is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the rules of this court requiring redaction of personal data identifiers. The Clerk will not screen documents for redaction and will not reject documents solely on the basis that the documents contain personal identifiers.

D. FILING UNREDACTED DOCUMENTS UNDER SEAL.

- 1. According to the E-Government Act of 2002, (Pub. L. 107-347), in addition to filing a redacted version of the document in ECF, a party wishing to file a document containing personal data identifiers may:
 - a. File an unredacted document under seal without seeking leave of the court in accordance with Section IV, Part D regarding filing documents under seal, or
 - b. File a reference list under seal without seeking leave of the court in accordance with Section IV, Part D regarding filing documents under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its place in the filing.
- 2. The redacted version of the document must be filed in ECF with a Conventional Filing Placeholder as an attachment indicating the existence of the sealed document on the record.
- 3. The Notice of Electronic Filing (NEF) for the redacted version shall be attached to the envelope of the sealed version or list.
- 4. File the sealed version or list in accordance with Section IV, Part D.

5. The unredacted version and/or reference list shall be retained by the court as part of the record.

IV. CONVENTIONAL FILING OF DOCUMENTS. The following procedures govern documents filed conventionally (i.e., in paper).

A. IN GENERAL.

1. **Leave of Court Required.** A party shall seek leave of the court to file a document conventionally if leave is not already so provided by these procedures (see Part B below).
2. **Leave of Court Not Required.** A party may conventionally file the following without seeking leave of the court.
 - a. Items that cannot be converted to electronic form (e.g., video tape, audio tape, etc.).
 - b. Documents filed under seal pursuant to protective order (see Section IV, Part D).
 - c. Transcripts of proceedings in the District of Minnesota (see Section IV, Part E).
 - d. Unredacted documents filed under seal pursuant to the E-Government Act of 2002 (see Section IV, Part D).
3. **Timeliness.** Documents filed conventionally are due in the clerk's office **before 5:00 p.m. Central Time** on the due date.

B. OBTAINING LEAVE TO FILE CONVENTIONALLY. To request permission to file certain documents conventionally:

1. Complete and file an "Application to File Conventionally" which is available on the FORMS page of the court's web site at www.mnd.uscourts.gov.
2. The application must be filed in ECF and approved before the filing due date.
3. Please complete the form with a detailed description why you are unable to file the documents electronically.

4. The filer must allow 5 days for the assigned Magistrate Judge to review this request.
5. The Magistrate Judge will issue an order granting or denying the application.
6. The most common reason for filing this application would be for voluminous exhibits (see Section V).

C. FILING CONVENTIONALLY. If leave to file document(s) conventionally is granted, or if filing items or documents which do not require leave of the court to file conventionally:

1. The ***Conventional Filing Placeholder*** (available on the FORMS page of the court's website at www.mnd.uscourts.gov) shall be filed in ECF in place of the document(s) being filed conventionally, and is intended to show, in ECF, the existence of documents that will reside on the shelf in the clerk's office.

EXAMPLE: if filing an exhibit conventionally, file the placeholder as if it is the exhibit - using the exhibit option - and instead of attaching the exhibit, attach the placeholder.)

2. The Notice of Electronic Filing (NEF) of the conventionally filed document(s) shall be attached to the paper versions of the document(s).
3. The conventionally filed documents must be tabbed, two-hole punched and fastened with tongs at the top.
4. The paper original of the document(s) shall be filed with the clerk's office **before 5:00 p.m.** on the due date.
5. Mail or deliver a COURTESY COPY (with a copy of the NEF attached) pursuant to Section I, Part F for the District or Magistrate Judge handling the matter in a separate envelope (if conventionally filing papers related to a motion, only ONE courtesy copy is required).
6. Conventionally filed materials shall be served conventionally, with a copy of the Notice of Electronic Filing (NEF), by the filer on all parties who are entitled to service. The e-notice of the court's receipt of these documents shall not constitute service.
7. A Certificate of Service shall be filed in ECF for all conventionally filed documents.

8. The Clerk will note receipt of the conventionally filed original documents on the record.

D. FILING UNDER SEAL.

1. **Sealed Cases.**

- a. A **case** filed under seal will be maintained in conventional format until the assigned district judge or magistrate judge orders the case unsealed.
- b. Any documents filed after the unsealing of the case shall be filed electronically.
- c. Documents filed conventionally will remain in conventional format even after a case is unsealed.

2. **Juvenile Criminal Matters.**

- a. All juvenile criminal matters are sealed and are not accessible via the internet.
- b. Documents in juvenile criminal matters shall be filed conventionally unless, after hearing, the court rules that the juvenile shall be tried as an adult.

3. **List of Sealed Documents.** The following documents shall be filed under seal:

- a. All grand jury matters
- b. Orders for tax returns, tax return and taxpayer information in Title 18 cases (for information on filing an Ex Parte Petition for Orders for tax returns, tax return and taxpayer information on Title 18 cases, see section VII regarding Ex Parte filings by counsel)
- c. Tax information in Title 18 cases
- d. Application and Orders for pen registers
- e. Applications and affidavits with related attachments and exhibits and orders for authorization to intercept oral and electronic communications and orders to seal the recordings and all filings concerning reports and notices required by the statutes
- f. Application, affidavits in support of application and order for authorization to use an electronic tracking device.
- g. Applications and Orders for trap and trace device
- h. Motions for a departure under Section 5K of the Sentencing Guidelines or under 18 U.S.C. 3553e

- i. Exparte applications for determination concerning the disclosure of Brady/Giglio information (see section VII regarding Ex Parte filing procedures)
 - j. Motions to compel the testimony of a witness upon grant of use immunity
 - k. Applications and related documents and orders for use immunity
 - l. Motions for the appointment of a taint team to review privileged material
 - m. Joint motion to extend time for filing indictment
 - n. Application and Order for Writ of Habeas Corpus Ad Testificandum;
 - o. Order for issuance of subpoena on behalf of the defendant (for information on filing an Application for Order for issuance of subpoena on behalf of the defendant, see Section VII regarding Ex Parte filings by counsel)
 - p. Subpoena Duces Tecum
 - q. CJA Travel Authorization Applications and Orders
4. Notwithstanding agreement of the parties, no documents other than those listed above shall be filed under seal unless the assigned District or Magistrate Judge has first issued a protective order.
 5. All related documents that are not filed under seal are to be filed electronically on ECF with the Conventional Filing Placeholder in place of any sealed document. To indicate, on the ECF system, the existence of the conventionally filed document, attorneys must file a placeholder on ECF, under the appropriate event code (the placeholder form is on the court's web site and is titled "Conventional Filing Placeholder").

EXAMPLE: For a sealed affidavit, an attorney would select the event code 'affidavit' in ECF, file the one page form as their affidavit, then file their actual sealed exhibit in paper with the clerk's office.
 6. Upon receipt of the sealed documents, the clerk's office will note it on the record.
 7. Documents filed under seal shall be filed conventionally pursuant to Part C above.
 8. Documents shall be sealed in accordance with the following:
 - a. Documents filed under seal shall be filed in paper with the clerk's office.
 - b. Each ORIGINAL document must be clearly marked to file under seal.

- c. Each ORIGINAL document shall be submitted to the District Judge or Magistrate Judge in conventional format along with a proposed order listing all the documents to be filed under seal.
- d. One conventional courtesy copy of each document to be filed under seal shall be included with the originals.

9. All documents filed under seal must clearly indicate the word “SEALED” on the document heading.

E. TRANSCRIPTS. Transcripts of this court’s proceedings shall be filed with the clerk’s office pursuant to 28 U.S.C. § 753(b) in conventional format in the clerk’s office unless specifically ordered otherwise by the Court.

V. VOLUMINOUS DOCUMENTS.

A. The size limit for documents (including exhibits) filed in ECF is two megabytes (2MB or 2,097 KB)⁹ per PDF document.

- 1. Check the file size, locate the file in Windows Explorer, right click on the file and choose Properties.
- 2. Any document which exceeds two megabytes (2 MB or 2,097 KB):
 - a. Shall be broken down into separate components of two megabytes (2 MB) or less, and
 - b. Each component shall be filed in ECF as a separate attachment with the component containing the first page attached as the “main document” or as the first attachment to the main document.
 - c. The filer shall label each component document clearly when attaching it in ECF (e.g., “Exhibit A-1 - Copy of Affidavit of John Doe pgs 100-200).

B. Filers are required to verify that PDF documents are legible before the documents are filed electronically with the court.

⁹ Two megabytes may be equivalent to approximately 60 pages of plain, typed text or 30-40 pages of scanned information.

- C. A party may seek leave of the Court to conventionally file documents that are too lengthy to electronically image, *i.e.*, “scan.” See procedures in Section IV, Part B for further information.

VI. EXHIBITS.

- A. **Document Size Limit.** Pursuant to Section V, exhibit documents shall not exceed two megabytes (2 MB or 2,097 KB) per PDF document.

B. **Scanning Documents.**

1. Scan documents at 200 dpi in black and white whenever possible.
2. Filers are required to verify that scanned documents are legible before the documents are filed electronically with the court.
3. Searchable scanned PDF documents are preferred, but not required.

- C. **Exhibit Index.** The filer must prepare and post to ECF an Exhibit Index.

1. The index shall either be filed as the “main document” if filing under the “Exhibit” event code, or as the first attachment to the main document if filed as an attachment to the pleading.
2. The following is a sample Exhibit Index:

Exhibit Index

A	Copy of Affidavit of John Smith
B	Excerpts from Jane Doe’s Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

- D. Each exhibit may be attached as a separate attachment to the main document or exhibits may be combined into 2 MB components and attached to the main document in “Attachments to Document” in ECF.
- E. For conventional filing of exhibits, see Section IV.

VII. EX PARTE SUBMISSIONS AND IN CAMERA REVIEW

A. EX PARTE SUBMISSIONS

A party who seeks to file a document without giving notice to other parties of record may present the document to the presiding District Court Judge or Magistrate Judge, on an *ex parte* basis, by either (i) causing the document to be mailed or hand-delivered to the judge's chambers in a conventional, (i.e., paper), format, or (ii) transmitting the document via e-mail to the judge's chambers e-mail box, (identified at Section II, Part F, subpart 2., above).

Any document submitted pursuant to this subsection of the Procedures must be clearly labeled "*Ex Parte* Submission." A judge who receives a document submitted *ex parte* may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as he or she deems most appropriate.

B. DOCUMENTS SUBMITTED FOR IN CAMERA REVIEW

A party who seeks to present a document to a judge for in camera review, whether acting on the party's own initiative or pursuant to a court order, shall present the document to the presiding District Court Judge or Magistrate Judge by either (i) causing the document to be mailed or hand-delivered to the judge's chambers in a conventional, (i.e., paper), format, or (ii) transmitting the document via e-mail to the judge's chambers e-mail box, (identified at Section II, Part F, subpart 2, above).

Any document submitted pursuant to this subsection of the Procedures must be clearly labeled "For In Camera Review." A judge who receives a document submitted for in camera review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as he or she deems most appropriate.

VIII. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. PUBLIC ACCESS AT THE COURT.** Electronic access to ECF is available to the public at no charge at the clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.
- B. INTERNET ACCESS.** Remote electronic access to ECF is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets

in civil cases, but excluding review of documents filed in criminal cases, as well as calendars and similar general information.¹⁰

- C. CONVENTIONAL COPIES AND CERTIFIED COPIES.** Conventional copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

¹⁰ According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

FORM A - SAMPLE CERTIFICATE OF SERVICE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

[Name of Plaintiff(s)]

Plaintiff(s)

v.

[Name of Defendant(s)]

Defendant(s)

CERTIFICATE OF SERVICE

Case No.: *[Case Number with initials]*

I hereby certify that on (date), I caused the following documents:

[list documents to be filed and served]

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

[list names of people listed under the "Electronic Mail Notice List" from the Notice of Electronic Filing or from the "Mailings" link under UTILITIES]

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

[list names and address of those served by US Mail]

Dated: _____, 20____

s/ Attorney's Name

Attorney's Typed Name

FORM B - SAMPLE CERTIFICATE OF SERVICE FOR MOTIONS DOCUMENTS AND PROPOSED ORDER

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

[Name of Plaintiff(s)]

Plaintiff(s)

CERTIFICATE OF SERVICE

v.

Case No.: *[Case Number with initials]*

[Name of Defendant(s)]

Defendant(s)

I hereby certify that on (date), I caused the following documents:

[list documents to be filed and served]

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

[list names of people listed under the "Electronic Mail Notice List" from the Notice of Electronic Filing or from the "Mailings" link under UTILITIES]

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

[list names and address of those you will serve by US Mail]

I further certify that I caused the proposed order to be filed with the court via e-mail to the following judge who is hearing the motion:

[list name and email of judge to whom you will send the proposed order]

and I certify that I caused a copy of the proposed order to be e-mailed or mailed by first class mail, postage paid, as noted below, to the following:

[list names and method of service of those on whom you will serve the proposed order]

Dated: _____, 20____

s/ Attorney's Name

Attorney's Typed Name